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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,329	07/19/2001	Tim Goldstein	10007815-1	9628

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

EDELMAN, BRADLEY E

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,329

Applicant(s)

GOLDSTEIN, TIM

Examiner

Bradley Edelman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/3/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is a first action on the merits of this application. Claims 1-23 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 5, 7-11, 13-15, 17-19, 22, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Spencer (U.S. Patent Application No. 2001/0040892).

In considering claim 1, Spencer discloses an apparatus ("user device") for communicating to customer service representatives in real-time ("customer service system," ¶ 17), comprising:

A communication interface configured to establish a real-time communication session with a remote communication device (¶ 24, wherein the user device inherently has a network interface for connecting to the network);

An input interface configured to receive a request for contacting a customer service representative (¶ 24, "interfaces that may be a physical service button on user

devices 60 or an icon on a screen”), said input interface is further configured to receive input data from a user of said apparatus during said established communication session (¶ 39-¶40, wherein the enters input into the user interface regarding whether the customer service center should implement changes on the user device); and

Logic configured to transmit, to said communication interface and in response to said request, a command signal instructing said communication interface to establish said real-time communication session (¶ 24, ¶ 31, describing the user instructing the device to establish a session), and logic further configured to transmit, during said real-time communication session, said input data to said remote communication device via the communication interface (¶ 39-¶40).

In considering claim 3, Spencer further discloses that said logic is configured to retrieve predefined contact information from memory within said apparatus in response to said request, said contact information sufficient for enabling said communication interface to establish said communication session with said remote communication device, said logic configured to provide said contact information to said communication interface in response to said request, wherein said communication interface is configured to utilize said contact information to establish said communication session (¶19-¶20, wherein the contact information of the device, such as phone number, ISP account number, name, and password, is sent from the apparatus through the communication interface to the remote device to allow communications between the apparatus and the remote device).

In considering claim 5, Spencer further discloses that the logic is further configured to transmit a product identifier to a routing device via said communication interface (¶ 21, wherein the user can click on a Schwap or Visa icon, which transmits an identifier of those products (i.e. a URL or other Internet address) to the network, wherein it will necessarily pass through a routing device on its way to its destination).

In considering claim 7, Spencer further discloses that said logic is further configured to retrieve data from memory within said apparatus and to transmit said retrieved data to said remote communication device via said communication interface during said real-time communication session, said retrieved data indicative of an operational state of said apparatus, wherein said remote communication device is configured to interface said retrieved data with said customer service representative thereby assisting said customer service representative to diagnose said operational problem based on said retrieved data (¶ 36-¶38).

In considering claim 8, Spencer further discloses that said logic is configured to transmit said retrieved data to said remote communication device in response to a request transmitted from said remote communication device (¶36, wherein the customer service center reads the user device's state information).

In considering claim 9, Spencer further discloses that the logic is configured to change said operational state based on commands received from the remote communication device (§§ 39-¶40).

In considering claim 10, Spencer discloses a method comprising the steps of:
providing an electric apparatus ("user device"), said electric apparatus configured to perform a primary function, said primary function other than enabling communication between said electric apparatus and remote communication devices (i.e. the device is a computer, which performs various functions besides connecting to the internet);

detecting, at said electric apparatus, a request for contacting a customer service representative, and establishing a real-time communication session between said electric apparatus and a remote communication device in response to said detecting step (§§ 24); and

enabling a customer service representative at said remote communication device to diagnose an operational problem associated with said electric apparatus by transmitting data indicative of said operational problem from said electric apparatus to said remote communication device during said real-time communication session (§§ 36-¶40).

In considering claim 2, 11 and 19, Spencer further discloses that the user can send voice data to further resolve problems (§§ 28, ¶ 41, describing that a user can use a telephone to converse with a customer service agent about the user device's problems).

In considering claims 13-15, claims 13-15 contain no further limitations over respective claims 7-9, and are thus rejected for the same reasons.

In considering claim 17, Spencer further discloses diagnosing the operational problem based on the retrieved data and the data indicative of the operational problem (¶35-¶37).

In considering claim 18, Spencer discloses a method, comprising the steps of providing an electric apparatus, said electric apparatus configured to perform at least one non-telephonic function ("user device," wherein the device is a computer, which performs various functions besides connecting to the internet);

detecting a request for contacting a customer service representative, and establishing a real-time communication session between said electric apparatus and a remote communication device in response to said detecting step (¶ 24);

inputting data to said electric apparatus during said communication session (¶39); and

transmitting said input data to said remote communication device during said communication session, thereby assisting a customer service representative at said remote communication device to diagnose, based on said input data, an operational problem associated with said electric apparatus in performing said non-telephonic function (¶ 39-¶ 40).

Claims 22-23 contain the same limitations as respective claims 7 and 9, and are therefore rejected for the same reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4, 12, 16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer, in view of Stovall (U.S. Patent No. 6,192,050).

In considering claims 4 and 20, although the system taught by Spencer discloses substantial features of the claimed invention, it fails to disclose that the apparatus further comprises a lens and a conversion mechanism to convert light received by said lens into digital data. Nonetheless, including such a lens on a user computer that connects to a customer service center is well known, as evidenced by Stovall. In a similar art, Stovall discloses a system for allowing users of PCs, PDAs and other user computer devices to contact a customer service center that can diagnose the user computer and make changes to its configuration (col. 4, lines 2-10, 30-41), wherein the user device includes a video camera (col. 4, lines 21-22). Given this teaching, a person having ordinary skill in the art would have readily recognized the desirability and advantages of including a video camera in the customer service system taught by

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Spencer, so that the customer service representative is able to see exactly what may be wrong with the user's computer and can thereby fix any problems more efficiently (see Stovall, col. 4, lines 30-33). Thus, it would have been obvious to include a camera device, as taught by Stovall, on the user device taught by Spencer.

In considering claim 12, as described with regard to claim 4, Stovall discloses an electric apparatus for connecting to a customer service center, wherein the apparatus includes a lens that can capture an image (col. 4, lines 21-22). Again, it would have been obvious to include a video camera in the customer service system taught by Spencer, so that the customer service representative is able to see exactly what may be wrong with the user's computer and can thereby fix any problems more efficiently (see Stovall, col. 4, lines 30-33).

In considering claim 16, again Stovall discloses displaying an image of the retrieved data via the remote device (col. 4, lines 13-33). It would have been obvious to allow displaying of an image of the retrieved data, as taught by Stovall, in the system taught by Spencer, so that the customer service representative is able to see exactly what may be wrong with the user's computer and can thereby fix any problems more efficiently (see Stovall, col. 4, lines 30-33).

3. Claims 6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer, in view of Bala (U.S. Patent No. 6,798,876).

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In considering claims 6 and 21, although the system taught by Spencer teaches substantial features of the claimed invention, it fails to disclose that the routing device can select which remote communication device (i.e. which customer service representative) to use to communicate with the communication interface based on a product identifier. Nonetheless, selecting, at a routing device, which customer service station to route a customer service request to is well known, as evidenced by Bala. In a similar art, Bala discloses a system allowing users to contact customer service for problems related to a particular product, wherein a particular customer service station is selected by a routing device according to the product identified in the service request (col. 4, lines 1-25; Fig. 2). Given this teaching, a person having ordinary skill in the art would have readily recognized the desirability and advantages of using the routing system taught by Bala to route the customer service requests in the system taught by Spencer, because it is more efficient to have customer service representatives specialize in particular products than to have each representative learn about every product in the system. Therefore, it would have been obvious to route the requests in the system taught by Spencer to the remote communication devices according to a product identifier in the request, as taught by Bala.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is 703-306-3041. The examiner can normally be reached from 9 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bradley Edelman

BE

September 30, 2004